

Certificate of Water Right

STATE OF ARIZONA

County of Graham

Certificate No. 95490.0000

**Arizona Department of Water Resources
500 North Third Street
Phoenix, Arizona 85004**


This is to Certify, that the Arizona Chapter of the Nature Conservancy, Tucson, Arizona, has made proof to the satisfaction of the Arizona Department of Water Resources of a right to the use of the waters flowing in Aravaipa Creek, a tributary of the San Pedro River, for recreation and wildlife, including fish, under Application and Permit Nos. 33-95490.0000. The right to the use of these waters was perfected in accordance with the laws of Arizona, and made and entered of record in the Records of the Department of Water Resources, Phoenix, Arizona, under Certificate No. 95490.0000; that the priority of the right confirmed is October 31, 1990; that the amount of water to which such right is entitled and confirmed, for the purposes previously stated, is limited to an amount actually beneficially used for these purposes, and shall not exceed an amount, as listed below, expressed as specific monthly flow rates and cumulative annual total as measured at the beginning of the reach of Aravaipa Creek at the School House site located in the Southwest quarter of the Southeast quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$), Section 27, Township 6 South, Range 19 East, near Klondyke, Arizona. The specified flow rates (cubic-feet/second) measured at the gage site, expressed as a continuous monthly flow, are as follows:


<u>Month</u>	<u>Flow Rate (cfs)</u>	<u>Monthly Volume acre-feet/month</u>
January	16.0	984.0
February	18.0	999.0
March	18.0	1,107.0
April	16.0	952.0
May	14.0	861.0
June	14.0	833.0
July	14.0	861.0
August	15.0	922.5
September	14.0	833.0
October	15.0	922.5
November	15.0	892.5
December	17.0	<u>1,045.5</u>
Total Annual Volume		11,213.0 Acre-feet

A description of the lands for this right, and to which the water is confirmed appurtenant to and put to beneficial use, is as follows: The beneficial use will occur instream along the meandering course of Aravaipa Creek, beginning in the Southwest quarter of the Northeast quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$), Section 35, Township 6 South, Range 19 East, continuing downstream to where it leaves the Northeast quarter (NE $\frac{1}{4}$), Section 28, Township 6 South, Range 19 East, Gila and Salt River Base and Meridian, Graham County, Arizona.

The right to the use of water confirmed is restricted to the places of use previously described. Water will not be diverted from the natural channel. There shall be no impoundments of public water, nor interference with the natural flow of Aravaipa Creek. There shall be no consumptive use of public waters or degradation of water quality, other than is caused by natural habitat (flora and fauna). There shall be no interference with nor detrimental effect upon prior vested water rights.

Witness, the seal and signature of the Director,
Department of Water Resources,
affixed this 29th day of May, 1996.


Donald J. Gross, P.E. (Attest)
Manager, Surface Water Section


Rita P. Pearson
Director

The Department of Water Resources shall be notified of any change of address for the above named person(s), or if ownership of the water right or of the land at the location of the water right is conveyed to another person(s), pursuant to Arizona Revised Statute § 45-164, (B).

**ARIZONA DEPARTMENT OF WATER RESOURCES
SURFACE WATER RIGHTS UNIT**

500 North Third Street, Phoenix, Arizona 85004

Telephone (602) 417-2470

Fax (602) 417-2422

June 28, 1996

The Nature Conservancy
Attn: Andy Laurenzi
300 East University Blvd., Ste. 230
Tucson, Arizona 85705



FIFE SYMINGTON
Governor

RITA P. PEARSON
Director

RE: Certificate No. 95488.0000, 95489.0000, 95490.0000, 95771.0000

Certificate Holder:

The Director of the Department of Water Resources is pleased to forward the enclosed Certificates of Water Right for your records. A certificate is evidence of your right to use a given amount of public waters of the State for a certain beneficial use at the specified location. You may wish to record the certificates with your County Recorder for the county in which the water rights are located. A copy of each water right certificate is maintained in the official records of the Department.

Please note that the right to the use of water as evidenced by a certificate is not absolute; the basis, measure, and limit of any water right granted under provisions of the Public Water Code is the amount actually put to the stated beneficial use, but never more than the amount stated in the certificate. In addition, your water right is given a date of priority, the filing date of the original application, as a means of ranking the water right in relation to all other water rights within a specific watershed. Your water right is subject to prior-vested water rights. For purposes of management of the available water resource in times of scarcity, water rights senior in time to your water right could have "first call" on the available supply of public water; senior water rights could prohibit your use of the water resource until their water rights are satisfied.

The watershed in which your water right is located is undergoing a Superior Court judicial proceeding. This proceeding, called a "water rights adjudication," is a quantification and ranking of all water rights located within the watershed. To participate in the adjudication, you must file a claim with the superior court. If you have not yet taken action to join the court proceedings, you may wish to do so to protect your water right.

Questions concerning the nature of your water rights may be addressed to the Surface Water Sub-unit. Questions concerning the water rights adjudication proceedings may be addressed to the Department's Adjudication Division. The Department cannot give legal advice. If you are concerned about how the adjudication will affect your rights, you may wish to consult an attorney experienced in water rights matters.

Sincerely,

Don Gross, P.E.
Chief, Surface Water Section

Enclosure

DG:mg

FM00438

**DEPARTMENT OF WATER RESOURCES
HYDROLOGY DIVISION**

M E M O R A N D U M

TO: File

FROM: Kim Mitchell

DATE: April 3, 1996

RE: Permits to Appropriate Public Water #33-95489 and #33-95490
Aravaipa Creek - The Nature Conservancy

Upon reviewing the above files for preparation of the Draft Certificates of Water Right, discrepancies in the total annual volume were found and are discussed below.

Application No.	Application Volume (ac-ft/yr)	Public Noticed Volume (ac-ft/yr)	Permitted Volume (ac-ft/yr)	Draft CWR Volume (ac-ft/yr)
33-95489	13,566.47	13,566.47	13,578	13,567.5
33-95490	11,212.17	11,212.17	11,224	11,213.0

Both permits list the correct monthly flows; however, list an incorrect annual volume resulting from a conversion error. At first glance, it would appear that the permits were issued for a greater amount of water than was public noticed. Yet, the permitted monthly flows when properly converted from cfs to acre-feet/month equate to the total annual volume as listed on the Draft Certificates, which is approximately 1 ac-ft/yr over the volume that was public noticed.

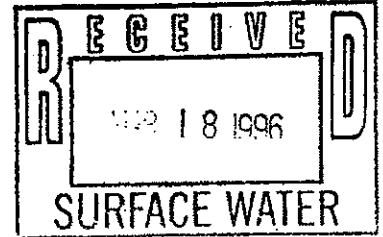
Per my discussion with Chuck Cahoy over this discrepancy, it was decided the Certificate should be issued at the correct annual volume that reflects the cumulative monthly flows. The basis for this decision is that the application and the permit both list the same monthly flow volumes; these listed flows have been continuously available in the public file and were the flows upon which the public notice was based.

cc: Chuck Cahoy

STATE OFFICE:
300 East University Blvd., Suite 230
Tucson, Arizona 85705
(520) 622-3861 Fax (520) 620-1799



PHOENIX OFFICE:
2255 North 44th Street, Suite 100
Phoenix, Arizona 85008
(602) 220-0490 Fax (602) 225-0541



March 11, 1996

Ms. Miros Gutierrez
Arizona Department of Water Resources
500 N. 3rd Street
Phoenix, AZ 85004

Dear Ms. Gutierrez:

Please note the enclosed check for \$200.00 for the certification fees for Water Rights Nos: 95771.0000, 95488.0000, 95489.0000, 95490.0000 per your letter of January 31, 1996 and our subsequent phone conversation. You indicated that reference to Water Right No. 95488.0000 was inadvertently left off your letter.

If you have any questions please call me at 520-622-3861. Please send the certificates to my attention at the Tucson Office address above..

Sincerely,

A handwritten signature in cursive script that reads "Andy Laurenzi".

Andy Laurenzi

cc: Ed Brunson

**ARIZONA DEPARTMENT OF WATER RESOURCES
SURFACE WATER RIGHTS UNIT**

500 North 3rd Street, Phoenix, Arizona 85004
Telephone (602) 417-2470
Fax (602) 417-2422



FIFE SYMINGTON
Governor

RITA P. PEARSON
Director

January 31, 1996

The Nature Conservancy
Attn: Andy Laurenzi
300 East University Blvd., Ste. 230
Tucson, Arizona 85705

Re: Issuance of Certificate of Water Right Nos. 95771.0000, 95489.0000 &
95490.0000

Mr. Laurenzi:

The Department of Water Resources is prepared to issue Certificates of Water Right for the referenced Permits. The certification fee for each issued Certificate is \$50.00.

Please remit your check to my attention in the amount of \$150.00 to the Department of Water Resources for the certification fees of the certificates.

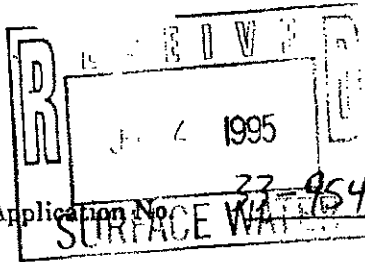
If you have any questions, please call me at (602) 417-2470.

Yours truly,

A handwritten signature in cursive script that reads "Miros Gutierrez".
Miros Gutierrez
Surface Water Rights Specialist

MG:hs

FM00441



Date Filed: 31-Oct-1996

Application No. 33-95490.0000

Permit No. 33-95490.0000

County Graham

PROOF OF APPROPRIATION OF WATER

1. Name and address of permit holder: Arizona Chapter of The Nature Conservancy
2. Source of appropriable (surface) water supply: Aravaipa Creek
tributary of San Pedro River
3. Location of point of diversion: N/A
GLO Lot # _____, or _____ 1/4 _____ 1/4, Section _____, Township _____ N/S Range _____ E/W
4. Construction of works began on _____ and was completed on _____
5. Date water was completely applied to stated beneficial use: Instream use for recreation and wildlife, incl. fish has taken place at this location since pre-1990
6. Name, if any, and capacity of reservoir _____
7. Specify quantity of water that has been applied to each beneficial use: 11,224 af
(acre-feet or gallons)
8. During what months is the water beneficially used? January - December
9. Describe the location where the water is used. If for irrigation, in the column headed "Acres actually irrigated" fill in only the number of acres that have actually been irrigated in that location in the smallest units that will identify them:

GLO Lot #	1/4	1/4	1/4	Section(s)	Township (N/S)	Range (E/W)	Acres Actually Irrigated
		SW	NE	35	6S	19E	N/A
				downstream to a point on the stream located at:			
			NE	28	6S	19E	N/A

10. (a). If a dam has been constructed, give description: Height, at downstream face _____ ft:
length on top _____ ft.; length on bottom _____ ft.; material used and character of
construction _____
- (b). Give description of canal headgate: Width _____ ft.; depth _____ ft.; material used and
character of construction, _____
- (c). Size of canal: Width on top (at waterline) _____ ft.; width on bottom, _____ ft.;
depth of water _____ ft.; length _____ ft.; grade, _____ ft. fall per 1,000 ft.
Actual capacity, _____ sec.-ft. Give general description:

- (d). Pipe line: Description of intake, _____

Length of pipe, _____ ft.; diameter at intake, _____ in.; Difference in elevation between
intake and place of use, _____ ft. Actual capacity of pipe line, _____ cubic-feet/second
Give general description: _____
(material: steel, wrought, cast iron, wood stave, etc.)
- (e). Pumping plant: Give size and type of pump, _____
Type of motor used _____ Horse power rating, _____ H.P. Actual capacity
of pump, _____
- (f). Distribution works: _____ Material _____
(no.) (tanks or troughs)
(dimensions and capacity of each)

11. Domestic Use. State number of families and persons actually served, and describe other domestic uses of water

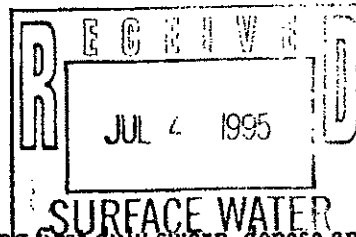
12. Stockwatering Use. State kind of stock served _____
minimum and average number served per day during the months of the year water is used.
Maximum _____ Minimum _____ Average _____

13. If for any purpose other than irrigation, stockwater or domestic, state the extent and nature of such use
*Instream use for recreation and wildlife, including fish of
Aravaipa Creek of the aforementioned segment described in #9
above.*

AFFIDAVIT OF APPROPRIATION

STATE OF ARIZONA

County of Pima) ss.



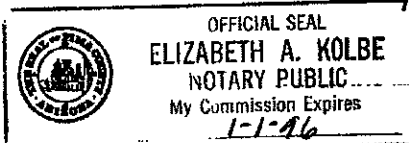
I, Andy Laurenzi, being first duly sworn, depose and say that I have read the above and foregoing proof of appropriation of water; that I know the contents thereof, and that the facts therein stated are true.

IN WITNESS WHEREOF, I have hereunto set my hand this 21st day of July, 1995.

Andy Laurenzi

Subscribed and sworn to me this 21st day of July, 1995

(Notary Seal)



My commission expires January 1, 1996

AFFIDAVIT OF WITNESS

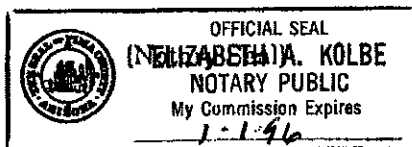
STATE OF ARIZONA

County of Pima) ss.

We, Ed Brunson, and Tom Collazo of THE NATURE CONSERVANCY, being first duly sworn, and depose and say that we are well acquainted with the facts and conditions set forth in the foregoing statement relative to proof of appropriation of water under Permit No. 33-95490-0000, that we and each of us have been over and upon each tract described in said proof, and from such personal inspection have knowledge that all necessary ditches, dams and other diversion and distributing works have been constructed, and water used as stated therein; that we have carefully read such proof of appropriation, and that each and every statement contained therein is true to the best of our knowledge and belief.

x Ed Brunson
x Tom Collazo

Subscribed and sworn to me before this 16th day of August, 1995.



Elizabeth A. Kolbe
Notary Public

My Commission Expires January 1, 1996

Completing the Proof of Appropriation of Water Form

This is the final report required of a holder of a permit allowing appropriation of public waters. Upon arrival of this report and the receipt of the proper fee the Department shall be ready to issue a Certificate of Water Right.

The Proof of Appropriation of Water is a series of statements of the appropriator, under oath, which are corroborated by the affidavits of two witnesses. This form should be filled in carefully, in a manner that will describe completely the project as actually constructed, giving the number of stock being watered and the quantity of water used under stockwatering permits; giving, in case of irrigation, the number of acres of land actually irrigated and the quantity of water used; and giving the full extent of use under appropriations for whatever other purposes. The practice of merely copying this information from the permit is not proper and should not be followed.

The accompanying affidavits of appropriator and witness must be made before a Notary Public or other officer qualified to administer oaths.

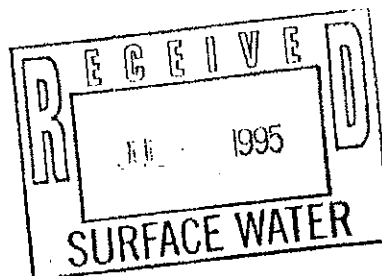
STATE OFFICE:
300 East University Blvd., Suite 230
Tucson, Arizona 85705
(602) 622-3861 Fax (602) 620-1799

The
Nature
Conservancy.
Arizona Chapter

PHOENIX OFFICE:
2255 North 44th Street, Suite 100
Phoenix, Arizona 85008
(602) 220-0490 Fax (602) 225-0541

July 21, 1995

Mr. Joe Stuart
Arizona Department of Water Resources
500 N. 3rd Street
Phoenix, AZ 85004



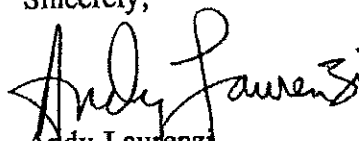
Re: Certification of Permit Nos. 33-95488, 33-95489, 33-95490 and 33-95771, Aravaipa Creek.

Dear Mr. Stuart:

Please note the enclosed the Proof of Appropriation and Affidavit of Appropriator forms associated with the Arizona Chapter of The Nature Conservancy Permit Nos: 33-95488, 33-95489, 33-95490 and 33-95771. Data submitted in accord with Permit Nos. 33-95488, 33-95489 and 33-95490 include instantaneous streamflow data collected monthly for the last five years at the locations specified in the permits. Summary data presentation and field data sheets are included for each of the three measurement sites for a five year period beginning with the end of the streamflow data collection period presented in the Dr. Hardy justification report submitted to you on October 29, 1990. Permit No. 95771 includes a summary data presentation along with a diskfile of average daily mean streamflow data provided by the USGS for stream gage #9473000 for water years 1989-1994. These data clearly demonstrate the availability of water sufficient to meet our permitted amounts which are distributed monthly over the entire year.

The field data sheets and diskfile data were sent directly to Mr. Tom Harbour along with the summary presentations. Please call or write me at the Tucson Office address listed above.

Sincerely,


Andy Laurenzi
Director of Protection

cc: Tom Harbour
Ed Brunson, Aravaipa Canyon Preserve manager
Robert Wigington, Western Regional Water Rights Attorney
Meg Jensen, Gila Resource Area manager, BLM

ARIZONA DEPARTMENT OF WATER RESOURCES

15 South 15th Avenue, Phoenix, Arizona 85007
Telephone (602) 542-1553
Fax (602) 256-0506

June 11, 1992



FIFE SYMINGTON
Governor

ELIZABETH ANN RIEKE
Director

The Nature Conservancy
Attention: Mr. Thomas P. Collazo
A. C. Star Route Box 4318
Winkelman, Arizona 85292

Re: Permit to Appropriate Public Waters Nos. 33-95488, 33-95489, ~~33-95490~~

Dear Mr. Collazo:

Your applications for appropriative permits have been approved. Enclosed please find the approved Permits To Appropriate Public Water.

Also enclosed are Proof of Appropriation of Water and Affidavit of Appropriator forms. These two forms must be completed and filed with the Department of Water Resources for each Permit after the means of diversion or storage have been constructed and after the appropriated water has been applied to the permitted beneficial use. The Affidavit of Appropriator must be notarized and supported by the affidavit of two witnesses.

The Proof of Appropriation of Water is an important document which should show the amount of water beneficially used. Please answer each applicable question completely, carefully and correctly, after reviewing the terms of your permit, the application and any information which you have compiled regarding this water use. You may submit attachments with the Proof.

The information set forth in the Proof will be reviewed prior to the issuance of a Certificate of Water Right. This review may include a field examination of the appropriation.

Yours truly,

Ann S. Motlok
Supervisor, Surface Water Rights Unit
Operations Division
Telephone (602) 542-1581

ASM:hs

Enclosures

FM00447

Arizona Department of Water Resources
15 South 15th Avenue
Phoenix, Arizona 85007

**PERMIT TO APPROPRIATE PUBLIC
WATER OF THE STATE OF ARIZONA**

Application No. 33-95490.0000
Permit No. 33-95490.0000

This is to certify that pursuant to the provisions of Arizona Revised Statute 45-153, the Arizona Chapter of the Nature Conservancy, 300 East University Boulevard, Suite 230, Tucson Arizona, is granted an appropriate permit subject to the following terms:

1. **Source:** The public waters flowing in Aravaipa Creek, a tributary to the San Pedro River.
2. **Types of use, and amounts:** Recreation and wildlife, including fish. The cumulative amount of use for both types of uses is expressed as an annual volume of flow of Aravaipa Creek as gaged within the specific reach as described in item 3. The appropriated flow is further described as a monthly median of mean daily flow as measured at the Schoolhouse Site, (SW $\frac{1}{4}$ SE $\frac{1}{4}$), Section 27, Township 6 South, Range 19 East). Monthly flow rates in cubic-feet per second measured within the stream segments are distributed as follows:

<u>Month</u>	<u>Flow Rate (cubic-feet/second)</u>
October	15
November	15
December	17
January	16
February	18
March	18
April	16
May	14
June	14
July	14
August	15
September	14
Volume (acre-feet/year)	<u>11,224</u>

3. **Point of diversion and place of use:** Water will not be diverted from the natural channel. The beneficial use will occur instream along the meandering course of Aravaipa Creek. The instream use will begin at a point where Aravaipa Creek enters the Southwest quarter of the Northeast quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 35, Township 6 South, Range 19 East downstream to a point where the creek leaves the Northeast quarter (NE $\frac{1}{4}$) of Section 28, Township 6 South, Range 19 East, Gila and Salt River Base and Meridian, Pinal County, Arizona. (Approx. 2.5 stream miles.)

4. There shall be no impoundments of public waters nor interference within the natural flow of Aravaipa Creek.
5. There shall be no consumptive use of public waters other than is caused by natural habitat (flora and fauna).
6. There shall be no interference with nor detrimental effect upon prior vested water rights as a result of the permitted beneficial use of public water.
7. The date of priority of the appropriation is October 31, 1990.
8. The Permittee shall, commencing immediately, maintain or continue to maintain a record of the flow of Aravaipa Creek at the aforesaid streamflow gaging location. In order to become a candidate for certification, the Permittee must submit a minimum of 4 years of streamflow data, an analysis of the data, a completed Proof of Appropriation, and a completed Affidavit of Appropriator to the Department of Water Resources on or before May 29, 1996.

Dated this 29th day of May, 1992.

ARIZONA DEPARTMENT OF WATER RESOURCES



Herb Dishlip
Deputy Director
Water Management

Department of Water Resources
Hydrology Division

MEMORANDUM

TO: Dennis Kimberlin, Chief, Operations Division
Joe Stuart, Operations Division

THRU: Greg Bushner, ^{AB}Section Manager, Surface Water/Recharge

FROM: Tom Harbour, Hydrology Division ~~TH~~

DATE: May 7, 1992

SUBJ: Hydrologic review of instream flow applications 33-95488, 95489, and 95490 filed by The Nature Conservancy for segments of Aravaipa Creek, Pinal County, Arizona.

Background

The Arizona Chapter of the Nature Conservancy filed the referenced applications on October 31, 1991 for segments of Aravaipa Creek located adjacent to the BLM Aravaipa Canyon Wilderness Area. The stated beneficial uses are for recreation, wildlife, and fish. An Instream Flow Incremental Methodology (IFIM) model was submitted to quantify the streamflow requirements for the native fishes and to justify the requested flow amount.

Requested monthly flow volumes were based on 80 % of the median daily flow provided this was within the range of 90 % of the optimum flow requirements for the fishes. Quantification of streamflow availability was accomplished using daily mean discharge data from two BLM continuous recording streamgaging stations on the east and west ends of the Wilderness Area supplemented with instantaneous flow measurements.

Recommendation

The Hydrology Division recommends approval of the referenced instream flow applications. The applicant has satisfied the minimum technical requirements, adequately assessed the availability of historic streamflow, and quantified the water requirements for fish, wildlife and recreation uses. Permit issued to the applicant should be subject to the following limits and terms:

Uses: Wildlife, including fish
Recreation

ARIZONA DEPARTMENT OF WATER RESOURCES

15 South 15th Avenue, Phoenix, Arizona 85007
Telephone (602) 542-1553
Fax (602) 256-0506



June 28, 1991

FIFE SYMINGTON
Governor

Mr. Wilford Claridge
P.O. Box 183
Thatcher, AZ 85552

ELIZABETH ANN RIEKE
Director

Re: Submitted protests, Applications for Permit to Appropriate Public Water,
No.s 33-95488, -95489, -95490, and -95771, Nature Conservancy, In-situ use,
Aravaipa Ck.

Dear Mr. Claridge:

Upon the request of Mr. Tom Collazo of the Arizona Chapter of the Nature Conservancy, I have reviewed your protests against the referenced applications. Included in the record is a letter from Mr. Collazo to you, dated April 12, 1991. In this letter, Mr. Collazo reiterates that the applications do not involve any impoundments of water nor any interference with the natural flow of Aravaipa Creek. He also states that there will be no consumptive use of the water other than that which is used by the natural habitat, that there will be no degradation of water quality caused by this appropriation, and most importantly to you, that there shall be no interference with vested water rights.

The Department of Water Resources feels that the referenced applications appear to present no threat or hindrance to your own use of water out of Aravaipa Creek, and that any vested water right you possess is protected under provisions of statute.

Unless I receive correspondence from you within 15 days of receipt of this letter stating some other objection to the Department permitting the referenced applications, I will consider the protest against the applications resolved.

Yours truly,

A handwritten signature in cursive script, reading "Joe B. Stuart".

Joe B. Stuart
Manager, Surface Water Rights Systems
Operations Division
Telephone (602) 542-1581

JBS:dl

cc: Mr. Tom Collazo

Certified Mail No. P-441-665-537

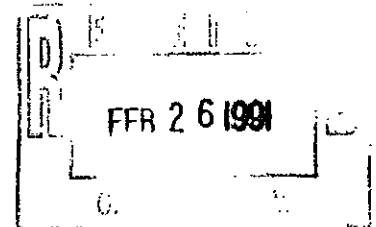
FM00451



Aravaipa Canyon Preserve

A.C. Star Route Box 4318, Winkelman, AZ 85292
(602) 357-6349

February 22, 1991



Joe B. Stuart
Manager, Surface Water Rights Systems
Operations Division
Arizona Department of Water Resources
15 South 15th Avenue
Phoenix, AZ 85007

RE: Application for Permit to Appropriate Public Water
Nos. 33-95488, 33-95489, 33-95490 and 33-95771

Dear Mr. Stuart:

Enclosed are the signed and notarized Affidavits of Posting Notice and copies of the Notice of Application to Appropriate Public Water for the four above-referenced applications. In addition to each notice being posted along the road adjacent to its respective stream segment, all four notices were posted at both the Klondyke and Winkelman post offices. The enclosed photographs show each posting location.

Please advise if any additional information is necessary for processing these applications.

Sincerely,

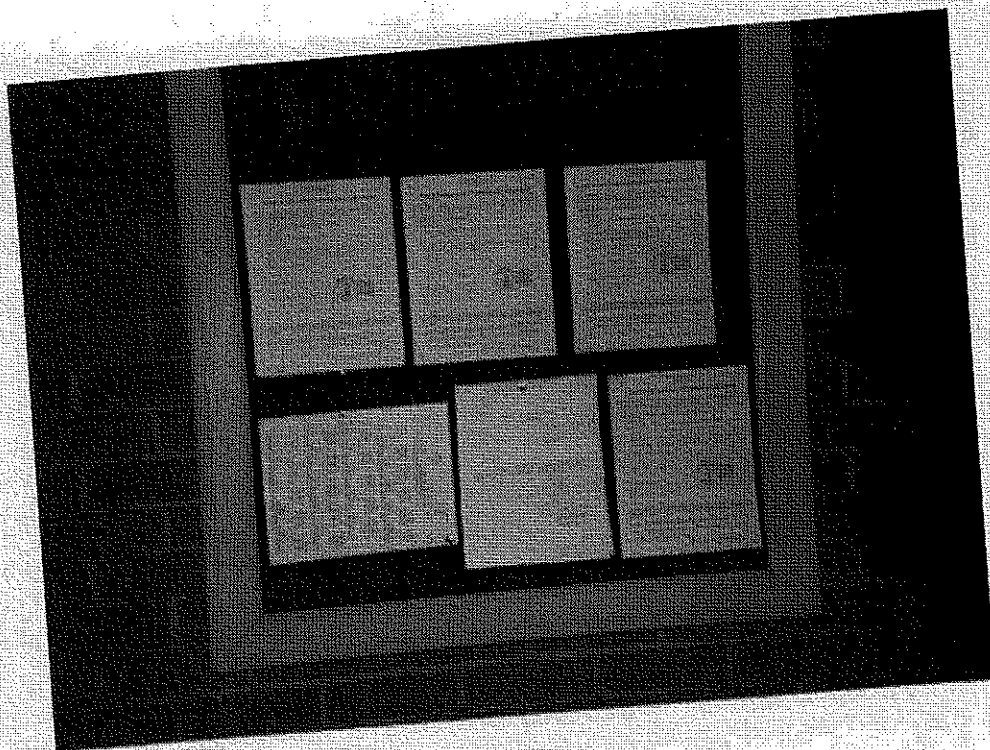
A handwritten signature in cursive script that reads "Thomas P. Collazo".

Thomas P. Collazo
Preserve Director

Enclosures

cc: Mark Heitlinger, Robert Wigington

Photographs of Posting Locations

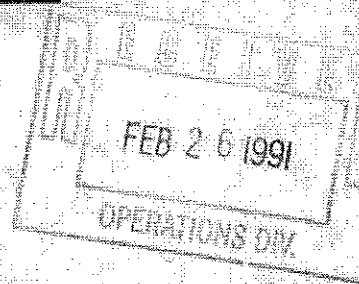


Winkelman Post Office



Application No. 33-95771
(NW of NW of Sec. 3, T 7 S, R 17 E)

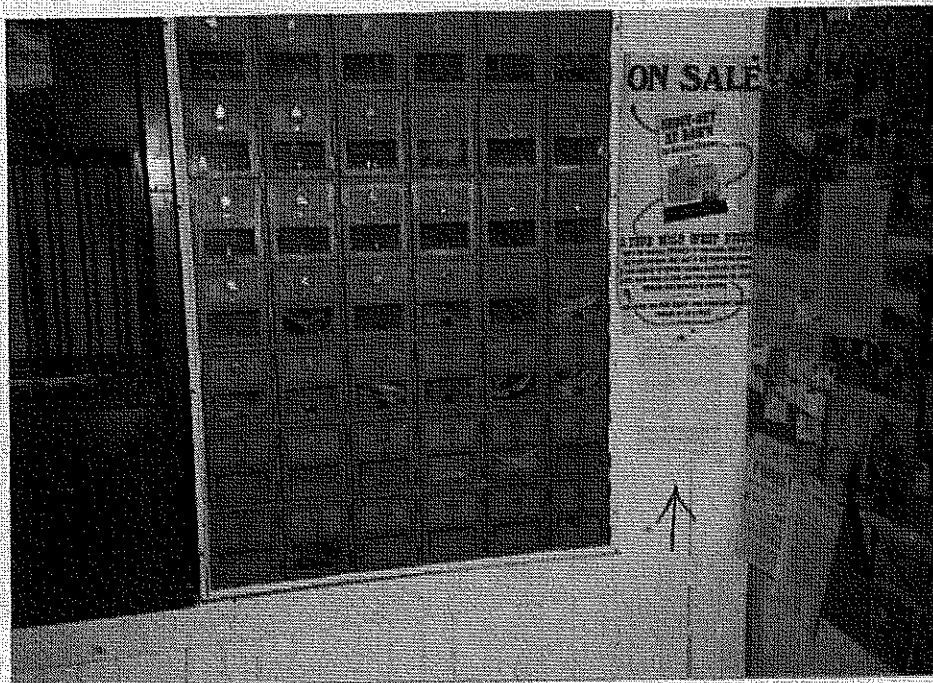
FM00453



Photographs of Posting Locations

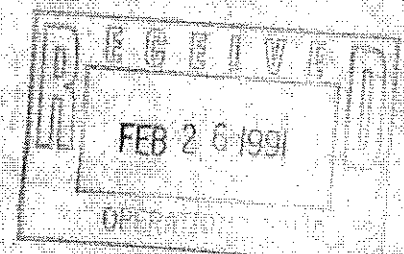


Application No. 33-95488
(NE of SE of Sec. 23, T 6 S, R 17 E)

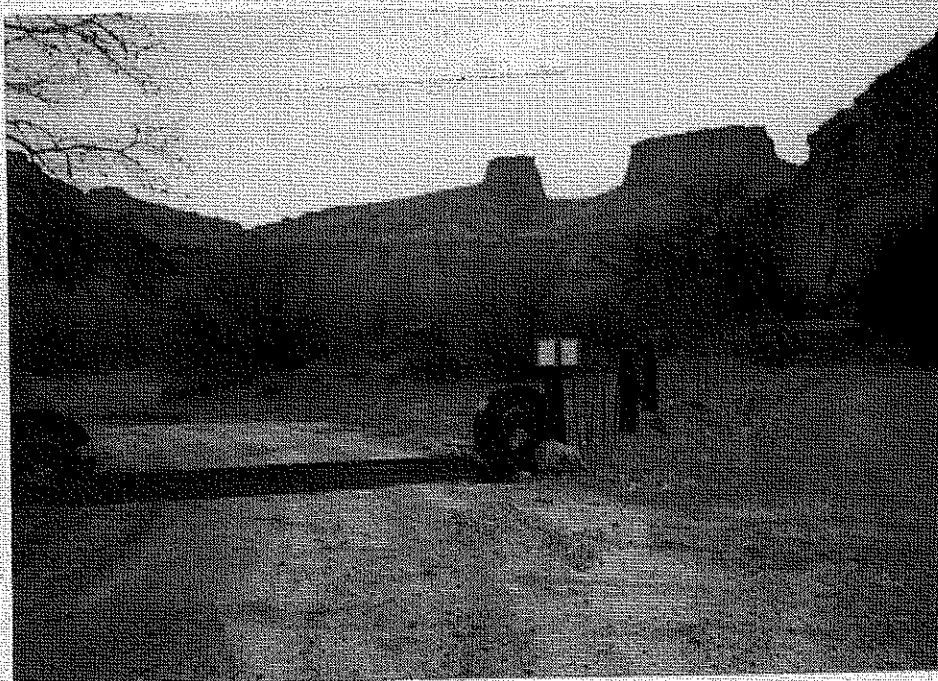


Klondyke Post Office

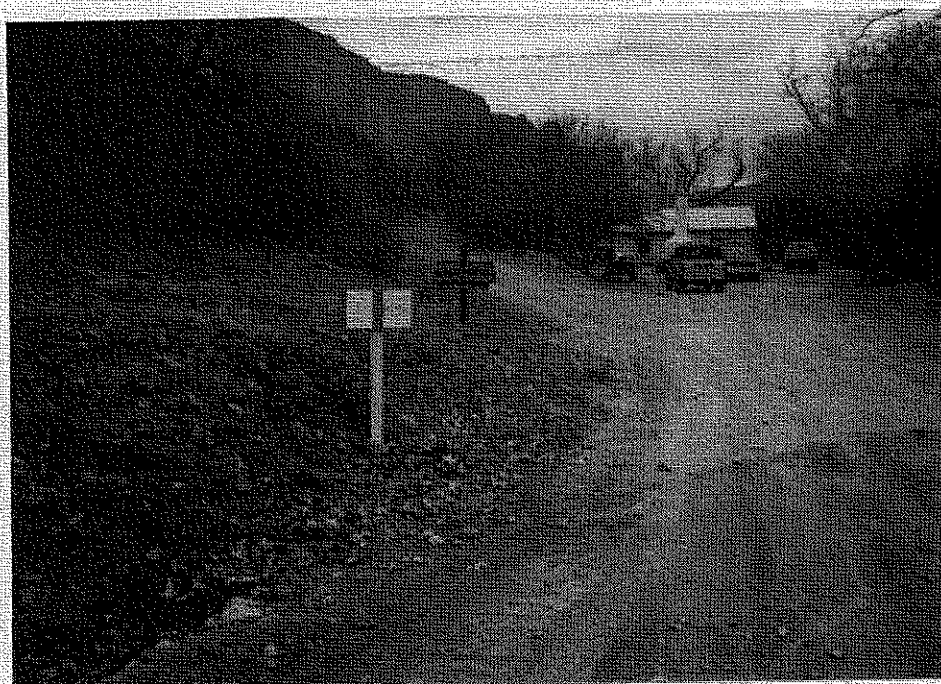
FM00454



Photographs of Posting Locations

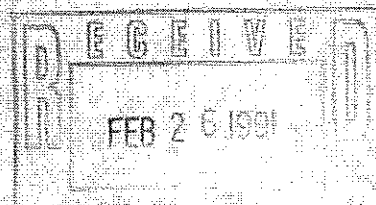


Application No. 33-95489
(SE of NE of Sec. 20, T 6 S, R 19 E)



Application No. 33-95490
(SE of NE of Sec. 28, T 6 S, R 19 E)

FM00455





December 28, 1990

ARIZONA
DEPARTMENT
OF WATER
RESOURCES

Rose Mofford, Governor
N. W. Plummer
Director

15 South 15th Avenue
Phoenix, Arizona 85007

Eastern Arizona Courier
Drawer N
Safford, Arizona 85548

Re: Application for Permit to Appropriate Public Water
Nos. 33-95489 and 33-95490

Dear Editor:

The Department of Water Resources submits the following material which you may find of interest.

Enclosed are one or more copies of the notices required to be posted by the applicant, seeking a permit to appropriate public waters of the State of Arizona.

Yours truly,

A handwritten signature in cursive script, reading "Joe B. Stuart".

Joe B. Stuart
Manager, Surface Water Rights Systems
Operations Division
Telephone (602) 542-1581

JBS:as

Enclosures

FM00456



December 28, 1990

ARIZONA
DEPARTMENT
OF WATER
RESOURCES

Rose Mofford, Governor
N. W. Plummer
Director

Mark Heitlinger, Director of Stewardship
The Arizona Nature Conservancy
300 East University Blvd., Suite 230
Tucson, Arizona 85705

15 South 15th Avenue
Phoenix, Arizona 85007

Re: Application for Permit to Appropriate Public Water
Nos. 33-95488, 33-95489, 33-95490 and 33-95771

Dear Mr. Heitlinger:

Enclosed are two copies of the Notice of Application to Appropriate Public Water and an Affidavit of Posting Notice for the referenced applications.

The Notices must be posted within twenty days (20) from the date of issuance appearing at the bottom thereof. The Notices must be posted in two conspicuous public places, and must remain posted continuously for thirty (30) days. The Department suggests one Notice be posted at the post office nearest the locality of the proposed appropriation and the other Notice be posted at the site of the proposed appropriation.

At the conclusion of the thirty-day posting period, the Affidavits of Posting Notice, with one copy of the Notice attached, must be completed, notarized and filed with the Department of Water Resources.

Yours truly,

A handwritten signature in black ink, reading "Joe B. Stuart".

Joe B. Stuart
Manager, Surface Water Rights Systems
Operations Division
Telephone (602) 542-1581

JBS:as

Enclosures

FM00457

NOTICE OF APPLICATION TO APPROPRIATE PUBLIC WATER

On the 31st day of October, 19 90, Arizona Chapter of the Nature Conservancy,
300 East University Boulevard, Suite 230, Tucson, Arizona 85705

filed an Application for a Permit to Appropriate Public Water, No. 33-95490.

The application states:

1. Source of water: Aravaipa Creek, a tributary of the San Pedro River.
2. Purposed use and amount: 11,212.17 acre-feet per annum for recreation and wildlife.
In situ use based on a cubic feet per second monthly flow.
3. Point of diversion: See reverse side.
4. Place(s) of use: See reverse side.
5. Description of dam and reservoir: N/A.

Other: ****SEE MAP ON REVERSE SIDE****

Any person whose prior vested appropriable water rights may be affected by this proposed appropriation, may, within sixty (60) days of the issuance of the Notice, file a Statement of Protest against this application. The protest form may be obtained from the Arizona Department of Water Resources, Operations Division, 15 South 15th Avenue, Phoenix, Arizona 85007.

The Statement of Protest must be completed according to instructions found on the form and filed with the Department. The protestant must also send a copy of the completed Statement to the applicant.

Inquiries concerning the proposed appropriation may be directed to the Operations Division at (602) 542-1581.

Issued this 28 day of December, 19 90

Arizona Department of Water Resources

as

3. Point of diversion and:

4. Place(s) of use:

Water will not be diverted out of the natural channel; use will occur instream along the meandering channel of Aravaipa Creek at a point beginning in the Southwest quarter (SW $\frac{1}{4}$) of the Northeast quarter (NE $\frac{1}{4}$) of Section 35 and continuing through the Northeast quarter (NE $\frac{1}{4}$) of the Northwest quarter (NW $\frac{1}{4}$), the Northwest quarter (NW $\frac{1}{4}$) of the Northwest quarter (NW $\frac{1}{4}$), Section 35; the Southeast quarter (SE $\frac{1}{4}$) of the Southeast quarter (SE $\frac{1}{4}$), Section 27; the Northeast quarter (NE $\frac{1}{4}$) of the Northeast quarter (NE $\frac{1}{4}$), the Northwest quarter (NW $\frac{1}{4}$) of the Northeast quarter (NE $\frac{1}{4}$), Section 34; the Southwest quarter (SW $\frac{1}{4}$) of the Southeast quarter (SE $\frac{1}{4}$), the Southeast quarter (SE $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$), the Southwest quarter (SW $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$), the Northwest quarter (NW $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$), Section 27; the Southeast quarter (SE $\frac{1}{4}$) of the Northeast quarter (NE $\frac{1}{4}$), Section 28 and ending at a point within the Northwest quarter (NW $\frac{1}{4}$) of the Northeast quarter (NE $\frac{1}{4}$), Section 28, all within Township 6 South, Range 19 East, Gila and Salt River Base and Meridian, Graham County, Arizona.

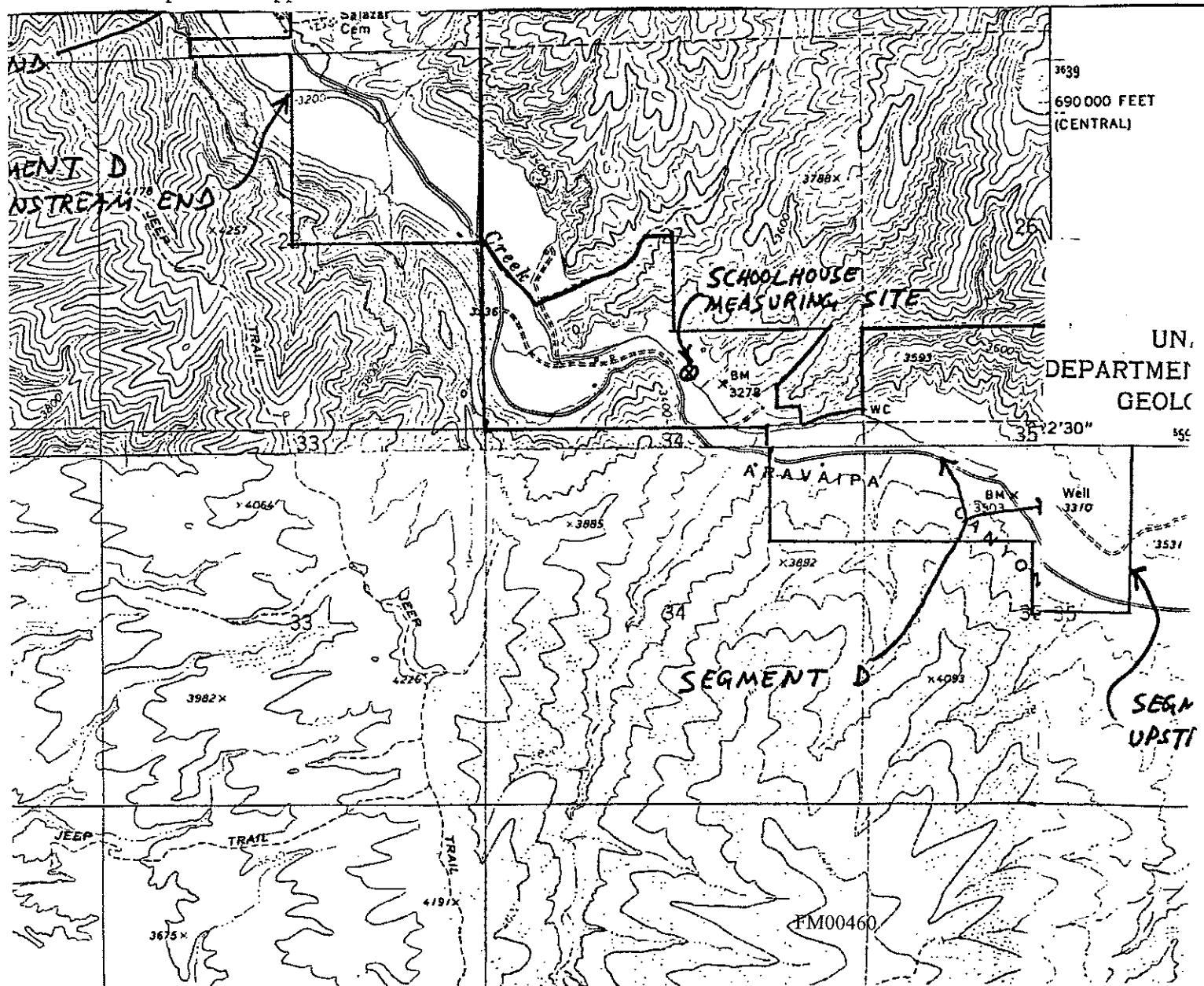
Two copies to applicant and to:

City of Tucson, P.O. Box 27210, Tucson, AZ. 85726
San Carlos Irrig. Project, P.O. Box 250, Coolidge, AZ. 85228
San Carlos Irrig. & Drainage Dist., P.O. Box 218, Coolidge, AZ. 85228
Empirita Ranch Inc., P.O. Box 31087, Tucson, AZ. 85751
Daniel M. Bates, 6541 E. Tanque Verde Road, Tucson, AZ. 85715
J.S. Tapia, Box 165, Dragoon, AZ. 85609
V.S. Tapia, Klondyke Rural Station, Willcox, AZ. 85643
Dr. Geldmacher, AC Star Route 4262, Winkelman, AZ. 85292

4. Place(s) of use:

Water will not be diverted out of the natural channel; use will occur instream along the meandering channel of Aravaipa Creek at a point beginning in the Southwest quarter (SW $\frac{1}{4}$) of the Northeast quarter (NE $\frac{1}{4}$) of Section 35 and continuing through the Northeast quarter (NE $\frac{1}{4}$) of the Northwest quarter (NW $\frac{1}{4}$), the Northwest quarter (NW $\frac{1}{4}$) of the Northwest quarter (NW $\frac{1}{4}$), Section 35; the Southeast quarter (SE $\frac{1}{4}$) of the Southeast quarter (SE $\frac{1}{4}$), Section 27; the Northeast quarter (NE $\frac{1}{4}$) of the Northeast quarter (NE $\frac{1}{4}$), the Northwest quarter (NW $\frac{1}{4}$) of the Northeast quarter (NE $\frac{1}{4}$), Section 34; the Southwest quarter (SW $\frac{1}{4}$) of the Southeast quarter (SE $\frac{1}{4}$), the Southeast quarter (SE $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$), the Southwest quarter (SW $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$), the Northwest quarter (NW $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$), Section 27; the Southeast quarter (SE $\frac{1}{4}$) of the Northeast quarter (NE $\frac{1}{4}$), Section 28 and ending at a point within the Northwest quarter (NW $\frac{1}{4}$) of the Northeast quarter (NE $\frac{1}{4}$), Section 28, all within Township 6 South, Range 19 East, Gila and Salt River Base and Meridian, Graham County, Arizona.

Two copies to applicant and to:



Aravaipa -- Upper East End (D)



ARIZONA DEPARTMENT OF WATER RESOURCES

15 South 15th Avenue
Phoenix, Arizona 85007

APPLICATION FOR PERMIT TO APPROPRIATE
PUBLIC WATER OF THE STATE OF ARIZONA

NO. 33-95490

FILED 10-31-1990

1. Name Arizona Chapter of The Nature Conservancy Telephone (602) 622-3861
Address 300 E. University Blvd., #230 Tucson, Arizona 85705
2. Type of source and name, if any, Aravaipa Creek
a tributary of San Pedro River on the San Pedro watershed.
do not complete
3. Use of Water
- A. Domestic
1. No. of Persons _____ 2. No. of Families _____
- B. Municipal
1. Population to be served _____
2. Estimate of future population and water requirements _____
- C. Irrigation
1. Location of the irrigated acreage
_____ $\frac{1}{4}$ _____ $\frac{1}{4}$ _____ $\frac{1}{4}$ Section _____ Township _____ N/S Range _____ EW
_____ $\frac{1}{4}$ _____ $\frac{1}{4}$ _____ $\frac{1}{4}$ Section _____ Township _____ N/S Range _____ EW
2. Number of acres to be irrigated _____
3. Describe type of crop to be irrigated _____
- D. Stockwatering
1. Kind of stock _____ 2. No of stock _____
- E. Power - Describe the nature of the works by which power is to be developed, pressure head, points of release of water and the uses to which the power will be applied. Attach documents as necessary.
- F. Mining
1. Kind of mining claims _____
2. Methods of supplying and using water _____
- G. Recreation
1. Character of area to be used Base flow a desert stream through or along a nature preserve for rare wildlife, native fish, and plants.
- H. Wildlife
1. Kind of wildlife 7 native fish, 8 amphibian, 47 reptile, 237 bird and 46 mammal species, 20 of which are federally or state protected.
2. Character of area to be served Same as recreation.
- I. Groundwater Recharge _____
- J. Storage & Recovery _____
4. Amount of water
Use Amount Measure Months of Use
See Attachment 1. _____

5. Legal description of point of diversion: County N/A
 $\frac{1}{4}$ $\frac{1}{4}$ $\frac{1}{4}$ Section Township N/S Range E/W-G&SRB&M

6. Legal description of place of use: County See Attachment 1.
 $\frac{1}{4}$ $\frac{1}{4}$ $\frac{1}{4}$ Section Township N/S Range E/W-G&SRB&M
 $\frac{1}{4}$ $\frac{1}{4}$ $\frac{1}{4}$ Section Township N/S Range E/W-G&SRB&M

7. Description of method(s) by which water will be put to beneficial use: Water will be used instream without
artificial diversion or impoundment.

8. Storage of water

A. Name of reservoir N/A

B. Dam specifications: Height feet

C. Reservoir behind dam

1. Maximum storage volume at spillway crest acre feet

2. Capacity for each foot in depth in cubic feet

9. Construction of works will begin within N/A after approval
of this application, will be completed within thereafter,
and the water will be applied to the proposed use(s) no later than .

10. Name of owner of the land Arizona Chapter of the Nature Conservancy
Does the applicant have legal access to the point of diversion and place(s) of use? Yes XX No
if no, explain

11. Is the water to be used supplementally with other water(s)? Yes No XX
If "Yes" identify other waters or water rights, and explain below:

12. Additional comments See Hardy, T.B.; Bartz, B.; and Carter, W.: Report on Instream Flow
Recommendations for the Fishes of Aravaipa Creek, Arizona. For The Nature
Conservancy, October, 1990.

13. Attach filing fee of \$25.00

14. Attach a United States Geological Survey quad map with point of diversion and place(s) of use clearly marked on map.

DATED this 29 day of October, 1990.

Paul Heitler
Applicant

ARAVAIPA -- UPPER EAST END (D): ATTACHMENT 1

1) Legal Description of Reach and Place of Use.

Begin at point where Aravaipa Creek enters the SW 1/4 of the NE 1/4 of Sec. 35, T6S R19E downstream to point where creek leaves the NE 1/4 of Sec. 28, T6S R19E, G.S.R.B.M., Graham County, Arizona. (Approx. 2.5 stream miles.)

2) Amount of water at Schoolhouse Site.

a. Monthly Rate of Base Flow (cfs)

October	15	February	18	June	14
November	15	March	18	July	14
December	17	April	16	August	15
January	16	May	14	September	14

b. Maximum Annual Volume (af): 11,212.17

3) Conditions on Application

a. There shall be no impoundments of public waters nor interference with the natural flow of Aravaipa Creek.

b. There shall be no consumptive use of public waters other than caused by the natural habitat (flora and fauna).

c. There shall be no degradation of water quality by reason of applicant's use of these public waters other than as caused by the natural habitat.

d. There shall be no interference with nor detrimental effect upon prior vested rights as a result of the requested instream use.

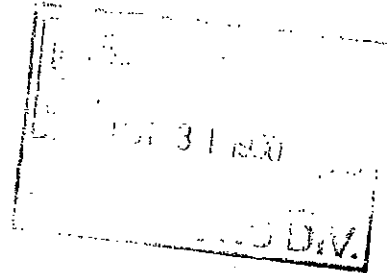


The Arizona Nature Conservancy

300 East University Boulevard, Suite 230, Tucson, Arizona 85705
(602) 622-3861 FAX (602) 620-1799

October 29, 1990

Mr. Joe B. Stuart, Section Manager
Surface Water/Adjudication
15 South 15th Avenue
Phoenix, Arizona 85007



RE: Applications for Instream Water Rights on Aravaipa Creek

Dear Mr. Stuart,

Please accept for posting the enclosed applications for instream base flow water rights on four segments of Aravaipa Creek that run through or abut property that is part of The Nature Conservancy's Aravaipa Creek Preserve. Two of the segments are upstream from the stream segment in the BLM Wilderness Area, for which instream permit #33-87114 was issued on March 19, 1989, and two are downstream.

The enclosed applications are largely based on the instream habitat needs of the native fish which occupy each of the segments as detailed in the enclosed report by Dr. Thomas B. Hardy. The instream base flows will also be beneficially used for recreation, not only for hikers bound for the BLM Wilderness Area who traverse Conservancy-owned property adjacent to some of the segments or who traverse the stream segments themselves, but also for participants in Conservancy-sponsored field trips on property adjacent to or within each segment. The beneficial use for native fish and recreation within the Conservancy segments as well as the requested base flow amounts, are similar to those permitted to the BLM for the wilderness reach. The base flow will also be beneficial to the riparian vegetation along the Conservancy segments and to a great variety of large and small wildlife.

As indicated in the Hardy report, the amounts sought to be permitted as base flow do not exceed the medians of daily measurements taken during each month of the year, or of correlations from such measurements. The requested amounts therefore necessarily exclude some higher, less frequent flows that may be used beneficially to provide more optimum instream fish habitat, to more fully sustain riparian vegetation, to provide natural flood, scouring or channel maintenance flows, or to provide greater levels of aesthetic appreciation or recreation. The Nature Conservancy may seek water rights for such other instream beneficial uses in subsequent and separate applications with more junior priority dates.

Mr. Joe B. Stuart
page 2
October 24, 1990

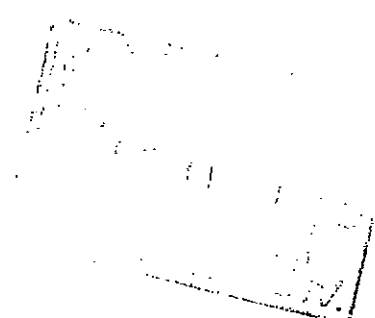
The applications for the Upper East End and Upper West End segments seek to permit flow amounts measured at points upstream from the downstream termini of these reaches. The requested flow amounts therefore exclude any gain from the point of measurement to the downstream termini. If The Nature Conservancy is able to measure or other wise determine the magnitude of the gain, it may seek to increase the base flow water right at the downstream termini of these segments by the amount of such gain, but again in separate and junior applications.

We have attached a check for \$25.00 to each of the applications for the filing fees and USGS quad maps showing each segment and point of measurement. We would very much appreciate your prompt posting of these applications so that any protests can be resolved and the permits considered in the adjudication of the San Pedro River Basin.

Very truly yours,



Mark Heitlinger
Director of Stewardship



1/26/06

	REG #	NAME	ADDRESS	STATUS	FILE	SOURCE	LEGAL
1	33-95490.0	NATURE CONSERVANCY	300 E UNIVERSITY BLVD 230 TUCSON, AZ 85705	ACTIVE - INSTREAM FLOW	Oct 31, 1990	ARAVAIPA CREEK	NE 28 6S 19E
2							SW NE 35 6S 19E

SURFACE WATER RIGHTS - (Louise)

NAME	REG #	STATUS	FILE	PRIORITY	LEGAL	DIV	MAP
1 NATURE CONSERVANCY	33-95490.0	ACTIVE - INSTREAM FLOW	Oct 31, 1990	Oct 31, 1990	NW SW 27 6S 19E	POU	3783
2					SW SW 27 6S 19E	POU	3783
3					SE SW 27 6S 19E	POU	3783
4					SW SE 27 6S 19E	POU	3783
5					SE SE 27 6S 19E	POU	3783
6					NW NE 28 6S 19E	POU	3783
7					SE NE 28 6S 19E	POU	3783
8					NE NE 34 6S 19E	POU	3783
9					NW NE 34 6S 19E	POU	3783
10					SW NE 35 6S 19E	POU	3884
11					NE NW 35 6S 19E	POU	3784
12					NW NW 35 6S 19E	POU	3783
13					SE NW 35 6S 19E	POU	3784
14 Count:	1					13	

06/10/99

INSTREAM FLOW CHECKLIST

NAME NATURE CONSERVANCY

NO. 33 - 95490

APPLICANT	DATE	INIT.	ADWR - SURFACE WATER	DATE	INIT.
Preapplication Meeting			Preapplication Meeting		
Submit Application			Receive Application <input checked="" type="checkbox"/> Acpt'd <input type="checkbox"/> Complete <input type="checkbox"/> Rej'd	1/31/90	TRW
Post Public Notice	1/16/91	TRW	GIS Mapping		
Submit Affidavit of Posting			Prepare Notice of Intent	1/28/90	TRW
Protest (if any) Resolved			Receive Affidavit of Posting	2/26/91	TRW
Collect Data (Min. 1 Year)			Protest Received		
Submit Study <input type="checkbox"/> Outline <input type="checkbox"/> Draft <input type="checkbox"/> Final			Protest Withdrawn	7/13/91	TRW
Review/Comment Draft Permit			Draft Permit		
Submit Permit Fees			Sent to Applicant For Review		
Submit Proof & Affidavit			Sent to Hydro For Review		
Submit Minimum of 4 Years Streamflow Data			Permit Fees Requested		
Submit Analysis of Streamflow Data & Documentation			Permit Fees Received		
Review/Comment Draft CWR			Final Permit Approved & Signed by Asst. Director	5/29/92	TRW
Submit CWR Fees			Permit Issued	6/11/92	TRW
Continue Streamflow Measurement			Proof & Affidavit Received	7/24/95	TRW
ADWR - HYDRO	DATE	INIT.	Draft CWR		
Preapplication Meeting			Sent to Applicant For Review		
Site Visit			Sent to Hydro For Review		
Flow Measurement			CWR Fee Requested	1/31/96	TRW
Review Study <input type="checkbox"/> Outline <input type="checkbox"/> Draft <input type="checkbox"/> Final			CWR Fee Received	3/11/96	TRW
Review Data			Final CWR Approved & Signed by Asst. Director	5/29/96	TRW
Review Protests (if any)			CWR Issued	6/28/96	TRW
Approve for Permit			AZ GAME & FISH	DATE	INIT.
Review Draft Permit			Permit Approved		
Review Data for CWR					
Approve for CWR					
Review Draft CWR					

* date uncertain

** see letter date 6/28/91 to William Claridge

11 SAN PEDRO WATERSHED

City of Tucson, P.O. Box 27210,
Tucson, AZ 85726

San Carlos Irrigation Project,
P.O. Box 250, Coolidge, AZ 85228
San Carlos Irrig. & Drainage Dist.,
P.O. Box 218, Coolidge, AZ 85228

36-37251.1
36-37258
36-37252.1
36-37253.1
36-37259.1
36-37260.1
36-37270.1
36-37261.1
36-37255
36-65216
36-37262.1
36-37263.1
36-37256

The Nature Conservancy
300 E. University
#230
Tucson, AZ 85705

11 SAN PEDRO WATERSHED

City of Tucson, P.O. Box 27210,
Tucson, AZ 85726
San Carlos Irrigation Project,
P.O. Box 250, Coolidge, AZ 85228
San Carlos Irrig. & Drainage Dist.,
P.O. Box 218, Coolidge, AZ 85228

36-64897- Empirita Ranch Inc.
P.O. Box 31087
Tucson, AZ 85751

36-36733.1- Daniel M. Bates
6541 E. Tanque Verde Rd
Tucson, AZ 85715

36-47357- J.S. Tapia
Box 165
Dragoon, AZ 85609

2063 cont

11 SAN PEDRO WATERSHED

City of Tucson, P.O. Box 27210,
Tucson, AZ 85726

San Carlos Irrigation Project,
P.O. Box 250, Coolidge, AZ 85228
San Carlos Irrig. & Drainage Dist.,
P.O. Box 218, Coolidge, AZ 85228

36-61144 - V.S. Tapia
36 68212 Klondyke Rural
36 47416 Station
Willcox, AZ 85643

Dr. Geldmacher

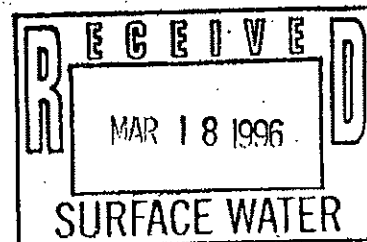
3063

(cont)

STATE OFFICE:
300 East University Blvd., Suite 230
Tucson, Arizona 85705
(520) 622-3861 Fax (520) 620-1799



PHOENIX OFFICE:
2255 North 44th Street, Suite 100
Phoenix, Arizona 85008
(602) 220-0490 Fax (602) 225-0541



March 11, 1996

Ms. Miros Gutierrez
Arizona Department of Water Resources
500 N. 3rd Street
Phoenix, AZ 85004

Dear Ms. Gutierrez:

Please note the enclosed check for \$200.00 for the certification fees for Water Rights Nos: 95771.0000, 95488.0000, 95489.0000, 95490.0000 per your letter of January 31, 1996 and our subsequent phone conversation. You indicated that reference to Water Right No. 95488.0000 was inadvertently left off your letter.

If you have any questions please call me at 520-622-3861. Please send the certificates to my attention at the Tucson Office address above..

Sincerely,

A handwritten signature in cursive script that reads "Andy Laurenzi".

Andy Laurenzi



1815 NORTH LYNN STREET
ARLINGTON, VIRGINIA 22209

FLEET BANK OF NEW YORK
ALBANY, N.Y.

No. 433971

29-1
213

CHECK DATE	CHECK NUMBER	CHECK AMOUNT
05-MAR-96	433971	200.00

PAY Two Hundred Dollars and No Cents*****
TO THE ORDER OF ARIZONA DEPT. OF WATER RESOURCES
500 N. 3RD STREET
ATTN: LOUISE HUTCHINSON
PHOENIX , AZ 85004

BY _____

BY _____

FM00471

THIS IS NOT A BILL

The Nature Conservancy
A.C. Star Route, Box 4318
Winkelman, AZ. 85292

STATE OF ARIZONA
DEPARTMENT OF WATER RESOURCES
OPERATIONS DIVISION
15 SOUTH 15TH AVENUE
PHOENIX, ARIZONA 85007

RECEIPT

KIND ENTRY 33
FILE REFERENCE NO. 95490 THRU

ITEM DESCRIPTION	RATE	AMOUNT
Examination Fee: (1) Application for a Permit to	25.00	25.00
Appropriate Public Water No. 33-95490		

PAID

CHECK NO. 596 RECEIVED BY as DATE 11-5-90

TOTAL \$ 25.00

SEGMENT D - U

OAK GROVE

7.5 MINUTE

SW/4 KLC

430 000 FEET (EAS

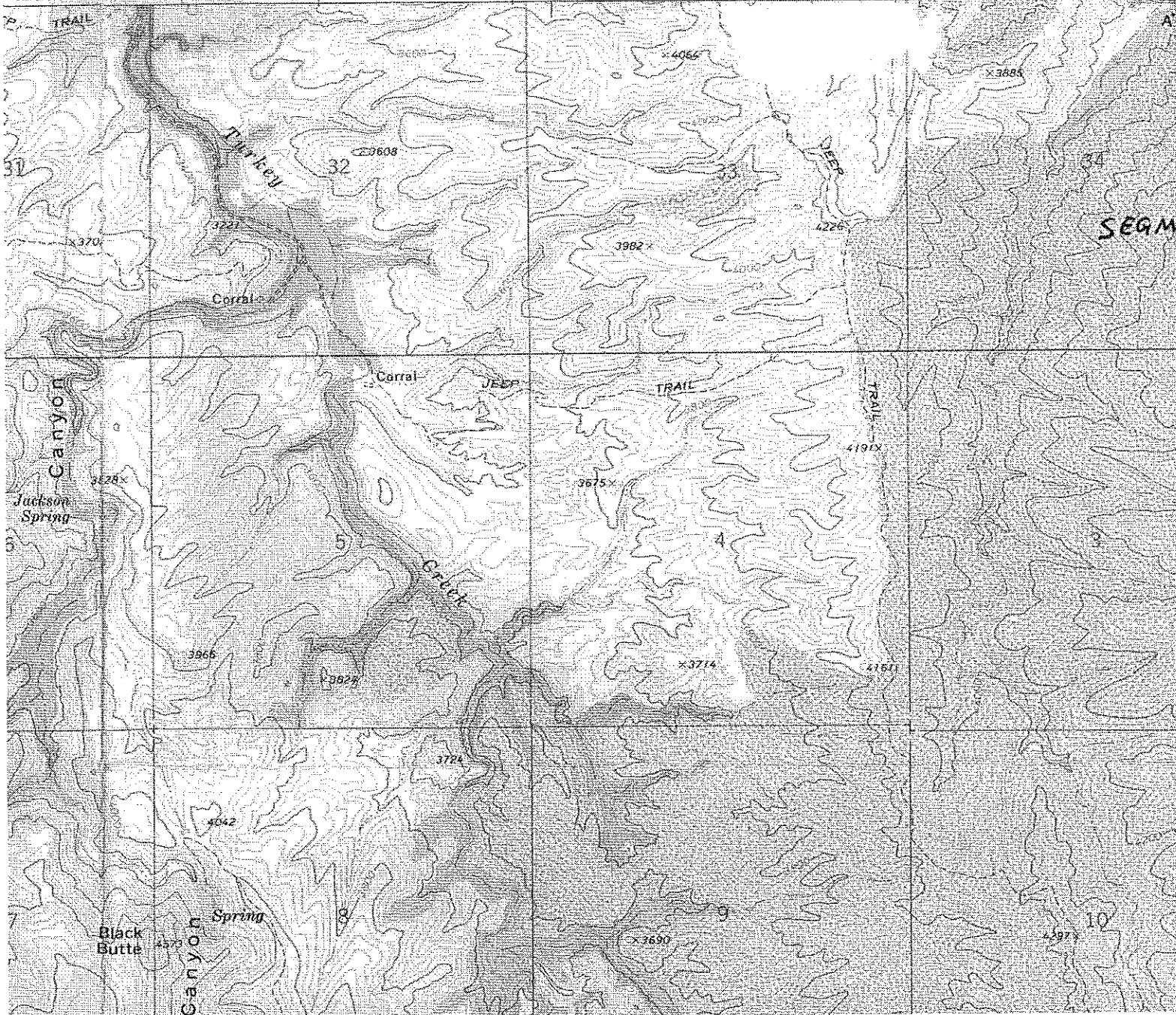
3949 10' NW
(BOOGER CANYON) 553

554

25'

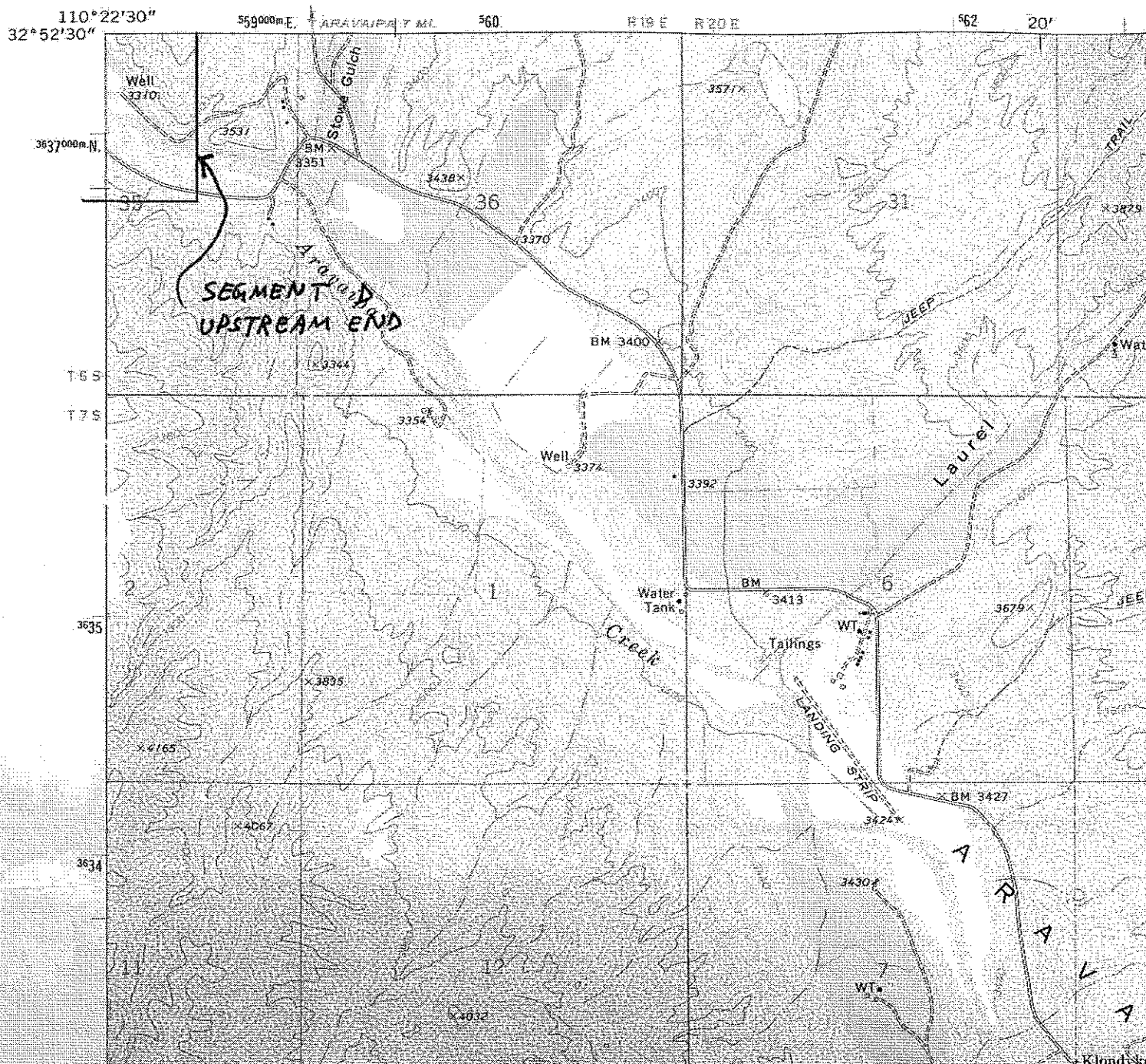
555

556



3049 IV NW
(BOOGER
CANYON)

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY



FM00474